

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of  
David Houze et al.

Atty. Ref: NOPH/100/JGK

ATTN: Office of Petitions

Serial No.: 09/768,831

Filed: January 24, 2001

For: COMPOSITIONS AND METHODS FOR DRUG DELIVERY

**PETITION TO ACCEPT MISSING ITEMS IN RESPONSE TO NOTICE OF  
INCOMPLETE NONPROVISIONAL APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Petition is in response to a Notice of Incomplete Nonprovisional Application mailed March 12, 2001 (reciting that Specification was not received with the Continuation application as deposited).

A patent application transmittal form and fee transmittal form for a continuation application, with a copy of the prior parent disclosure and oath and declaration, and a copy of a petition for extension of time for the parent, was sent by Express Mail on January 24, 2001. After several telephone calls with the Initial Patent Examination Division in response to the Notice of Incomplete Nonprovisional Application, applicant was informed that only 16 pages of the 36 page specification had been found as the specification was somehow separated from all the other documents mailed in the same package. Although Applicant submitted a copy of the parent disclosure with claims, it is Applicant's understanding that pursuant to Box 18 on the patent application transmittal form, incorporation of the prior disclosure can be relied upon if a portion is missing.

It is respectfully requested that this Petition to accept the enclosed disclosure (specification with claims, abstract and drawings) be accepted and that a filing date of January 24, 2001 be granted for the continuation application.

The Commissioner is hereby authorized to immediately charge the payment of the petition fee of \$130.00, as required by, 37 C.F.R. 1.17(i), to Deposit Account No. 500511. The Commissioner is further authorized to immediately charge any additional fees or credit any overpayment or refund to Deposit Account No. 500511.

Respectfully submitted,

Date: May 14, 2001

Jay G Kolman

Jay G Kolman  
Registration No. 43,727  
Noven Pharmaceuticals, Inc.  
11960 S.W. 144 Street  
Miami, FL 33186  
Tel: (305) 253-5099  
Fax: (305) 251-1887

NCPH /100/ JGK  
S.N. 09/768,831

Compositions & Methods for Drug Delivery  
David House et al.

Filed: January 24, 2001



Ends.

- Petition to Accept Missing Items (with Spec, ~~Patent~~ & Drawings)
- Notice of Incomplete Nonprovisional App.
- New Oath & Declaration
- Fee payment





11960 S.W. 144th Street  
Miami, Florida 33186  
TELEPHONE (305) 253-5099  
FACSIMILE (305) 251-1887

## FACSIMILE TRANSMISSION COVER/MESSAGE PAGE

PLEASE DELIVER THE FOLLOWING 5 PAGES (INCLUDING THIS PAGE)

**TO:** Ms. Stokes, OIPE

**FROM:** Jay G. Kolman, Esq. **DATE:** January 7, 2002

**RE:** SN 09/768,831  
Our Docket No. NOPH/100/JGK  
Copy of Petition to Accept Missing Items

**IF YOU FAIL TO RECEIVE ALL THE PAGES INDICATED OR HAVE ANY PROBLEM  
WITH RECEIVING THIS FACSIMILE, PLEASE CALL (305) 964-3317 AND ASK FOR:**

Kathy Hoyt

**WARNING:** This facsimile contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the Recipient(s) named above. If you are not the intended Recipient of this facsimile, or the employee or agent responsible for delivering it to the intended Recipient, you are hereby notified that any review, copying, use or dissemination of this facsimile or the information herein is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the above address by mail. [NOTE: Thermal paper facsimiles are highly unstable and significantly fade in a few years. Plain paper photocopies of facsimiles should be made where intended to be filed or maintained as permanent records.] Thank you.

**RECIPIENT'S FACSIMILE NUMBER:** 1-703-308-7751

### MESSAGE/COMMENTS:

In accordance with our telephone conversations of today, attached is a copy of the Petition to Accept Missing Items, which was filed on May 14, 2001, along with a copy of the stamped postcard and Express Mail receipt.

Thank you,

Kathy Hoyt